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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/578,201 | 05/04/2006 | Ernst Kraenzler | 3436 | 2762 |
| 7590 Striker, Striker & Stenby 103 East Neck Road Huntington, NY 11743 | | | | |
| 03/18/2008 | | | | |
| EXAMINER | | | | |
| ROSE, ROBERT A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3723 | | | | |
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| 03/18/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,201

Applicant(s)

KRAENZLER ET AL.

Examiner

Robert Rose

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of Applicant's response to the final rejection, the finality of the last Office action has been withdrawn.
2. Claims 7-8 have been canceled.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann et al(DE 10222292) in view of Wiley. Hofmann et al disclose a tool-holding device for an insert tool comprising substantially all of the subject matter set forth in Applicant's claims above. Note disk-shaped hub(42), spring element(18); and drive shaft(16). While it is not clear whether Hofmann et al disclose form locking elements on the drive shaft, Wiley discloses a power tool having a splined drive shaft with form locking elements mating with corresponding elements on a drive flange, to secure the tool against rotation with respect to the shaft. To provide the drive shaft in the device of Hofmann et al with form locking elements to mate with the drive torque transmitting mechanism to prevent relative rotation of the insert tool with respect to the drive shaft, would have been obvious in view of Wiley. The exact number of form-locking elements is regarded as being an obvious matter of design choice to those of ordinary skill in the art, in the absence of a showing of criticality with respect to the number of locking elements.

5. Applicant's arguments filed February 13, 2008 have been fully considered but they are not persuasive. Applicants have noted that Chen (US 6,905,401) was filed after the priority date of the present application, which claims priority to German Patent Application Number 10352291.3, filed November 8, 2003. Therefore, the rejections relying upon the Chen reference have been withdrawn against the present application. However, the newly cited art to Wiley is deemed to teach the same feature of a splined drive shaft with form locking elements mating with corresponding elements on a drive flange, to secure the tool against rotation with respect to the shaft. Applicants have amended independent claim 1 to include a recitation of a spacer element which supports the mechanism of the drive device. Hoffman et al('292) appears to show such a spacer element as a portion of the drive shaft(16). The upper section of the drive shaft contains separately illustrated portions, however, even if such were not the case, in the examiner's view it would have been obvious to one of ordinary skill to provide such a spacer element on the drive shaft to position the locking pins at a suitable height for engagement with the drive flange. With regard to claims 13-14, the manufacture-induced transition is not further defined, and may be arbitrarily defined as an intermediate portion of the drive shaft itself.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert Rose/
Primary Examiner
Art Unit 3723

Rr

February 27, 2008.